

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : 07 Cr. 672 (RJH)
:
-against- :
:
CLAUDIA FRANCIS, :
:
Defendant. :
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AFFIRMATION OF GARY FRANCIS

GARY FRANCIS affirms as follows under penalty of perjury pursuant to 28 U.S.C. § 1746:


1. My wife, Claudia Francis, is a defendant in the above-captioned case. I submit this affirmation in support of Claudia's pretrial motion to suppress evidence.
2. On June 28, 2007, my wife was arrested at our home, 137-07 Frankton Street, Rosedale, NY. I was not there at the time.
3. I arrived home at about 5:30 or 6:00 p.m. Inside my apartment were several FBI agents. I asked the agents why they were still there. The agents said they were waiting for a search warrant. I was allowed to remain in the living room while they waited for the warrant.
4. The agents went into and out of several rooms of the apartment while I was there.
5. It appeared to me that the apartment had been searched. For example, a side table in the living room had been opened and the contents of the drawer had been removed. I also observed that my bedroom had apparently been searched – my belongings and furniture had been moved. I also saw what appeared to be post-it notes stuck to various surfaces, identifying various rooms as "A," "B," "C," etc.

6. At about 7:30 p.m., an agent entered the house and told the others that she had the search warrant. Almost immediately, the agents began moving items out of the apartment. It appeared to me that the only items that the agents searched after the warrant arrived were two safes in the apartment. The agents asked me to open the safes and said they would just take the safes away if I did not. I agreed and opened the safes.

7. After the agents had opened and inventoried the contents of the two safes, they provided me with handwritten inventories of the items that had been removed from the apartment. At the agents' request, I signed each page of the inventories. On one of the pages (page 6 of 10), the safes had already been listed as "Sentry 1100 Safe" and "Sentry 1300 Safe." They crossed out those two listings in my presence and had me initial the changes. It appeared to me that the inventories had been prepared prior to when the agent arrived with the search warrant.

8. Within about 45 minutes after the agent arrived with the search warrant, the agents left.

Dated: January 30, 2008
Queens, NY


GARY FRANCIS